



RICHARD J. CODEY
ACTING GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**AGENDA OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
October 5, 2005**

**Rolando Torres, Jr., Chairman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert Long**

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of William Church
City of Trenton
Department of Health and Human Services
Removal

In the Matter of Tyrone L. Hart, Jr.
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Kathryn R. Hampton
County of Warren
Detention Center
Removal

In the Matter of John Keane
Township of Hamilton
Department of Public Works
Removal

In the Matter of Sherrell Leonard
Department of the Treasury
Suspension

In the Matter of Edward F. Letwenski
County of Monmouth
Department of Corrections and Youth Services
Suspension

In the Matter of Hector L. Ortiz, Jr.
City of Jersey City
Municipal Court
Removal

In the Matter of John Reo
City of Jersey City
Police Department
Suspension

In the Matter of Bimal Saraiya
State Parole Board
List removal

In the Matter of Gregory Vitrano
Township of Parsippany Troy Hills
Removal

In the Matter of Kirk Watro
County of Burlington
Release at the end of the working test period

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE
ABOVE CASES – SETTLEMENT**

ACTION:

A-2 REGINA HOLMES-MARROW

Regina Holmes-Marrow, County Correction Officer, County of Union, Department of Public Safety, six-day suspension on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the six-day suspension.

ACTION:

A-3 JOHN JOHNSON

John Johnson, Truck, Driver Tandem Axle, Department of the Treasury, 15-day suspension on charges of conduct unbecoming a public employee, and negligence in performing duties resulting in damage to state property.

Recommendation of the Administrative Law Judge – Modify the 15-day suspension to a five-day suspension.

ACTION:

A-4 WILLIAM MCGINNIS

William McGinnis, a County Correction Officer with the County of Burlington, appeals a 10-day and a 15-day suspension on the charge of other sufficient cause and a 10-day, 15-day, and 20-day suspension and removal, effective April 26, 2002, on the charges of incompetency; inefficiency; failure to perform duties; insubordination; conduct unbecoming a public employee; neglect of duty; and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the 10-day suspension, modify the 15-day suspension to a \$25 fine, and uphold the removal. It is noted that the Administrative Law Judge made no discrete findings or determination with regard to the 10-day, 15-day and 20-day suspensions.

ACTION:

A-5 NAFAEESA WILLIAMS

Nafaeesa Williams, County Correction Officer, County of Burlington, County Jail, six-day suspension on charges of incompetency, inefficiency or failure to perform duties, insubordination, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the six-day suspension.

ACTION:

A-6 MANUEL OLIVEIRA (REMAND)

Manuel A. Oliveira, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective May 31, 2001, on charges of leaving an assigned work area without permission, creating a danger to persons or property, neglect of duty, loafing, idleness or willful failure to devote attention to tasks which could result in danger to persons or property and violation of administrative procedures and or /regulations involving safety and security.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-7 R. W.

R. W., a Youth Worker with the Woodbridge Child Diagnostic and Treatment Center, Division of Youth and Family Services, Department of Human Services, was removed from his position, effective March 17, 2004, on charges of inappropriate physical contact or mistreatment of a client, resident, or employee, and verbal abuse of a client, resident or employee.

Recommendation of the Administrative Law Judge – Uphold the charges and the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 CHARLES M. BRADLEY

Charles M. Bradley, represented by Otto J. Scerbo, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M20554A) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-2 RUBEN CARRERO

Ruben Carrero, represented by Anthony J. Fusco, Esq., appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-3 BRIAN DERR

Brian Derr appeals his rejection as a Juvenile Detention Officer candidate by the County of Ocean and its request to remove his name from the eligible list for Juvenile Detention Officer (C2078E) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-4 STEVEN CICCIO

Steven Ciccio, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-5 MAUREEN DOLPHIN

Maureen Dolphin, a Charge Nurse 12 Months with the Arthur Brisbane Child Treatment Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-6 TEREETHA JONES

Teretha Jones, a Public Health Consultant 1, Nursing, with the Department of Health and Senior Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-7 MUKUND KUMAR

Mukund Kumar, a Government Representative 2 with the Department of Community Affairs, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-8 MICHAEL MAZZA

Michael Mazza, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-9 TROY A. MUSE

Troy A. Muse, a Senior Correction Officer with the Central Reception and Assignment Facility, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-10 MARVA ROBINSON

Marva Robinson, a Senior Correction Officer with the Southern State Correctional Facility, Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-11 SEATON SAMUEL

Seton Samuel, a Senior Building Maintenance Worker with the Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-12 ARTHUR SCHAUFLE

Arthur Schaufler, a Painter at North Jersey Developmental Center, Department of Human Services appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-13 MAHASSEN ADRA-HALWANI

Mahasen Adra-Halwani, represented by David H. Weiner, CWA Local 1037, appeals the Passaic County Board of Social Services' request to bypass her name on the eligible list for Senior Training Technician (PC2241C).

ACTION:

B-14 SUSAN A. BILDER

Susan A. Bilder appeals the decisions of Human Resource Information Services (HRIS) which upheld the removal of her name from the eligible lists for Contract Administrator 2 (S6542C), Department of Health and Senior Services (DHSS), and Investigator 2 (S0231E), Department of Personnel (DOP), due to her failure to respond to the Notice of Certification for each position.

ACTION:

B-15 MELISSA ANNE BREWER

Melissa Anne Brewer appeals the decision of the Department of Corrections to remove her name from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to an unsatisfactory employment record.

ACTION:

B-16 MICHAEL DRUMGOOLE, ET AL.

Michael Drumgoole, Jevon Evans, represented by Linda J. Niedweske, Esq., and Robin Pearce, represented by Lynsey Johnson, Esq., appeal the decisions of the Department of Corrections to remove their names from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to unsatisfactory employment records.

ACTION:

B-17 ANTHONY FAMULARO, ET AL.

Anthony Famularo, John Jablonski and William Oakley appeal the decisions of the Department of Corrections to remove their names from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to unsatisfactory criminal records.

ACTION:

B-18 TONI MORALES

Toni Morales appeals the decision of the Department of Corrections (DOC) to remove her name from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to her failure to respond to a notice of certification.

ACTION:

B-19 CHARLES GALLO

Charles Gallo, a Police Officer with the City of Linden, represented by Anthony J. Pope, Esq., petitions the Merit System Board for a stay of his 30-day suspension, beginning September 18, 2005.

ACTION:

B-20 LAURA PORTER

Laura Porter, a Ranger Sergeant with the Department of Environmental Protection (DEP), appeals the determination of the Chief of Staff with the DEP, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-21 PATRICIA MASKELL

Patricia Maskell appeals her failure of the written promotional examination for Family Service Supervisor (PC1403F), Hunterdon County, on the basis that she was not provided with a reasonable accommodation for her disability.

ACTION:

B-22 DONALD MATLOCK

Donald Matlock, represented by Patrick J. Whelan, Esq., petitions the Merit System Board for reconsideration of the final decision, rendered on March 23, 2005, which dismissed his appeal regarding his removal as untimely.

ACTION:

**B-23 ASSISTANT SUPERVISOR OF RESIDENT LIVING,
DEVELOPMENTAL DISABILITIES (PS3732K), HUNTERDON
DEVELOPMENTAL CENTER, DEPARTMENT OF HUMAN SERVICES**

The appointing authority requests permission not to make an appointment from the certification for Assistant Supervisor of Resident Living, Developmental Disabilities (PS3732K), Hunterdon Development Center (HDC), Department of Human Services.

ACTION:

B-24 ICLAL ATAY

Iclal Atay, a Manager 4, DEP Technical/Scientific/Engineering with the Department of Environmental Protection (DEP), represented by Christine Gravelle, Esq., petitions the Merit System Board for a hearing regarding her return to her permanent title as the result of alleged disciplinary action brought against her by the DEP.

ACTION:

**B-25 HOUSING AIDE, TYPING (M0126D), CITY OF ORANGE HOUSING
AUTHORITY**

The appointing authority's failure to dispose of the certification for Housing Aide, Typing, while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:

B-26 FATEEMA NELSON

Fateema Nelson appeals her termination from employment as a Public Health Representative Trainee with the Department of Health and Senior Services.

ACTION:

B-27 KENNETH RANKIN

Kenneth Rankin, a Police Officer with the City of Newark, represented by Bette R. Grayson, Esq., seeks enforcement of the Merit System Board (Board) decision rendered on September 8, 2004, granting him mitigated back pay, benefits and seniority, and awarding him counsel fees. The City of Newark, represented by Lori Brown, Assistant Corporation Counsel, requests a stay of the Board's September 8, 2004 decision reinstating the appellant, pending its appeal to the Appellate Division.

ACTION:

B-28 DAVID A. SMITHSON

David A. Smithson, represented by Sidney H. Lehmann, Esq., appeals his status as a non-veteran in Law Enforcement Examination (LEE) (S9999F) pool.

ACTION:

B-29 SOCIAL CASEWORKER, BILINGUAL IN SPANISH AND ENGLISH (M0582F), CITY OF PERTH AMBOY

The appointing authority requests permission not to make an appointment from the certification for Social Caseworker, Bilingual in Spanish and English (M0582F), City of Perth Amboy.

ACTION:

B-30 CATHY SYLVESTER

The Director of Human Resources, Department of Human Services, on behalf of Cathy Sylvester, requests that the specialized education requirements for Instructor of Nursing be relaxed in order to qualify her for a prospective promotional examination.

ACTION:

B-31 VINCENT JESS

The Borough of Stratford requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Vincent Jess From the title of Sheriff's Officer, Camden County, to the title of Police Officer, Borough of Stratford.

ACTION:

B-32 ROBERT VESCI

Robert Vesci, a Police Officer with the Township of Florence, petitions the Merit System Board for an Intergovernmental Transfer to the title of Park Police Officer, Camden County.

ACTION:

B-33 JOHN GRAHAM

The appeal of John Graham, a Senior Correction Officer with the Juvenile Justice Commission, of his six-month suspension on charges, was heard by Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on May 10, 2005. At its meeting on September 21, 2005, the Merit System Board (Board) adopted the ALJ's recommendation that the charges be dismissed, the propose decision is now submitted for the Board's review.

ACTION:

B-34 VIRGINIA RYNONE

The remand from the Superior Court, Appellate Division, of the appeal of Virginia Rynone, a Recreation Assistant with the New Jersey Veterans' Memorial Home at Menlo Park, Department of Military and Veterans' Affairs, of her 10-day suspension, on charges, was heard by Administrative Law Judge Anthony T. Bruno (ALJ), who rendered his initial decision on August 9, 2005. At its meeting on September 21, 2005, the Merit System Board (Board) did not adopt the ALJ's recommendation to dismiss the charges. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION:

B-35 RICHARD WILKINS, JR.

The appeal of Richard Wilkins, Jr., a Police Aide with the Township of Irvington, of his removal, effective July 17, 2003, on charges, was heard by Administrative Law Judge Edith Klinger (ALJ), who rendered her initial decision on August 5, 2005. At its meeting on September 21, 2005, the Merit System Board (Board) did not adopt the ALJ's recommendation to modify the removal to an official written reprimand. Rather, the Board imposed a six-month suspension and required the appellant to undergo periodic drug testing. The proposed decision is now submitted for the Board's review.

ACTION:

B-36 ERNEST BIRCH

Ernest Birch appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the qualifying examination for Manager 1, Information Processing, Division of Family Development.

ACTION:

B-37 TANEKA BROOKS

Taneka Brooks appeals the determination of the Division of Selection Services which found that she did not meet the education and experience requirements for the open-competitive examination for Social Worker 2 (S0352F).

ACTION:

B-38 JULIE CRADDOCK AND LATASHA DUGGER

Julie Craddock and Latasha Dugger appeal the determinations of the Division of Selection Services that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Taxpayer Service Representative 2 (PS6001U), Department of Treasury.

ACTION:

B-39 GERALDINE DAVIES

Geraldine Davies appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for a prospective provisional appointment in the title of Senior Management Assistant, Department of Environmental Protection.

ACTION:

B-40 DEBRA DICELLO AND FELICIA GRAY

Debra Dicello and Felicia Gray appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Supervisor of Inspection, Long-Term Care Facilities (PS5278H), Department of Health and Senior Services.

ACTION:

B-41 BARBARA A. FEIST

Barbara A. Feist appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Executive Assistant 2 (PS4914G), Department of Environmental Protection.

ACTION:

B-42 MEGAN FLYNN

Megan Flynn appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Classification Officer 4 (PS3539I), East Jersey State Prison.

ACTION:

B-43 AMANTINA GRAY

Amantina Gray appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the open-competitive examination for Social Service Technician (C0877F), Middlesex County Board of Social Services.

ACTION:

B-44 DESIREE GRAY

Desiree Gray appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Program Development Specialist 1, Corrections (PS3547I), Northern State Prison.

ACTION:

B-45 NANCY HAMMOND

Nancy Hammond appeals the determination of the Division of Selection Services that found that she did not meet the educational requirements for the promotional examination for Coordinator of Long Term and Alternate Care for the Elderly (PC0787F), Cumberland County.

ACTION:

B-46 HEATHER A. HAUSSER

Heather A. Hausser appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open-competitive examination for Technical Assistant 1, Department of State (S0411G). Department of State.

ACTION:

B-47 KELLY L. HORAN

Kelly L. Horan appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Identification Officer (PS5040P), Juvenile Justice Commission.

ACTION:

B-48 DAVID A. LAVENDER

David A. Lavender appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Safety Officer, Mental Health (PS4714K), Department of Human Services.

ACTION:

B-49 JOHN MCVEIGH

John McVeigh appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Data Processing Programmer 2 (PS4496K), Department of Human Services.

ACTION:

B-50 PATRICIA PISANO

Patricia Pisano appeals the determination of the Division of Selection Services that per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Management Assistant (PC1543F), Essex County Sheriff's Office.

ACTION:

B-51 RUSSELL RADER

Russell Rader appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the qualifying examination for Management Assistant, Department of Environmental Protection.

ACTION:

B-52 USHA SHAH

Usha Shah appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Principal Chemist (S0443G).

ACTION:

B-53 JANINE SUDOWSKY

Janie Sudowsky appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Graphic Artist 2 (PC0463G), Middlesex County.

ACTION:

B-54 KAREN WARD

Karen Ward appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Executive Assistant 3 (PS4923G), Department of Environmental Protection.

ACTION:

B-55 MARY BETH WRIGHT

Mary Beth Wright appeals the determination of the Division of Selection Services that found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Management Assistant (PS5109T), Motor Vehicle Commission.

ACTION:

B-56 BRETT BLAKE

Brett Blake appeals his score for the oral portion of the examination for the second level Fire Captain (PM3586F), Clifton.

ACTION:

B-57 PETER COUGHLIN

Peter Coughlin appeals his score for the oral portion of the examination for the second level Fire Captain (PM3602F), South Orange.

ACTION:

B-58 DIANNE DICKINSON

Dianne Dickinson appeals her score and rank on the promotional examination for Hazardous Site Mitigation Specialist 2 (PS3122G), Department of Environmental Protection.

ACTION:

B-59 THOMAS HOLDER

Thomas Holder appeals his score for the oral portion of the examination for the second level Fire Captain (PM3604F), Union Township.

ACTION:

B-60 RAYMOND ALLOWAY AND JOSEPH SCHWANTES

Raymond Alloway and Joseph Schwantes appeal the promotional examination for Police Sergeant, Human Services (PS1778K), Department of Human Services.

ACTION:

B-61 HARRY BUTTITO, ET AL.

Harry Buttito, Laury Hamilton and Frank Kotlan appeal the promotional examination for Sheriff's Officer Sergeant (PC2663F), Middlesex County.

ACTION:

B-62 JEFFREY COLEMAN, ET AL.

Jeffrey Coleman, Patricia Miles and Eduardo Ojeda appeal the promotional examination for Police Lieutenant, Human Services (PS4126K), Department of Human Services.

ACTION:

B-63 JOYCE COMBA

Joyce Comba appeals the validity of the promotional examination for Human Services Technician (PS2242K), Hagedorn Psychiatric Hospital.

ACTION:

B-64 DEPUTY ADMINISTRATOR OF INVESTIGATIONS AND FIELD OPERATION (PS7032Q), OFFICE OF THE PUBLIC DEFENDER

CWA Local 1037, represented by Hetty Rosenstein, President, requests that the examination for Deputy Administrator of Investigations and Field Operations (PS7032Q), Office of the Public Defender be announced open to an additional unit scope within the Office of the Public Defender.

ACTION:**B-65 PETER FARLOW AND KEVIN KELLY**

Peter Farlow (PC2645F), Camden County; and Kevin Kelly (PC2647F), Sussex County; appeal the promotional examination for County Correction Lieutenant (various jurisdictions).

ACTION:**B-66 CHRISTINE HAMMERSTONE**

Christine Hammerstone appeals the validity of the promotional examination for Family Service Supervisor (PC1403F), Hunterdon County.

ACTION:**B-67 ROBERT RAFFERTY AND GAIL ALEXANDER**

Robert Rafferty (PC2661F), Warren County; and Gail Alexander (PC3669F), Union County; appeal the promotional examinations for Sheriff's Officer Lieutenant and Sheriff's Officer Captain, respectively.

ACTION:**B-68 SUPERVISING SCHOOL TRAFFIC GUARD**

The Director, Division of Human Resource Management (HRM), requests Merit System Board review of the establishment of the title Supervising School Traffic Guard in the career service.

ACTION:

B-69 ARLENE WEST

Arlene West requests a make-up for the promotional examination for Senior Management Assistant (PS3332K), Division of Youth and Family Services.

ACTION:

B-70 PROPOSED AMENDMENTS: N.J.A.C. 4A:7-1.1 AND 4A:7-3.1 AND 3.2 (EQUAL EMPLOYMENT OPPORUNITY AND AFFIRMATIVE ACTION)

Submitted for the Board's review is a Notice of Proposal regarding amendments to N.J.A.C. 4A:7-1.1, and 4A:7-3.1 and 3.2 (Equal Employment Opportunity and Affirmative Action). The amendments would conform the rules to the revised State of New Jersey Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace and the revised State of New Jersey Model Procedures for Processing Internal Complaints Alleging Discrimination, Harassment or Hostile Environments in the Workplace. It is recommended that the proposal be approved for publication in the New Jersey Register and on the Department's website for public notice and comment.

ACTION:

B-71 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of September 21, 2005 are submitted for adoption.

ACTION: